

File No.: 26328-JJO

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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MICHAEL K. FRITKIN,

Plaintiff,

vs.

JD TRANSPORTATION, INC. and
JASON MICHAEL FREEMAN.

Defendants.

CASE NO.: 2018L010022

COMPLAINT

Count I

NOW COMES the Plaintiff, MICHAEL K. FRITKIN ("Plaintiff") by and through his attorneys, O'HAGAN MEYER, LLC, and complaining of the Defendants, JD TRANSPORTATION, INC. and JASON FREEMAN ("Defendants"), states as follows:

1. That on or about September 21, 2017, Michael K. Fritkin, Plaintiff, was stopped in a southeast direction on I-90 in the second lane from the left at or about Cumberland Avenue in the City of Chicago, County of Cook, State of Illinois.

2. That on said date and place the Defendant, Jason Freeman, was operating a tractor-trailer unit as the employee and/or agent of the Defendant JD Transportation, Inc.

3. On said date, the Defendants were operating a tractor-trailer in a southeast direction on I-90 (Kennedy Expressway) in the second lane from the left at or about Cumberland Avenue in the City of Chicago, County of Cook, State of Illinois.

4. That on said date, Defendants' tractor-trailer unit collided with and struck the rear of the Plaintiff's stopped vehicle.



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5. That at the time of the collision, the Plaintiff was exercising due care and caution for his safety and the safety of others.

6. That at the time of the collision, the Defendants had a duty to exercise due care in the operation, maintenance and use of their tractor-trailer unit.

7. That the Defendants breached their duty to exercise due care and proximately caused injuries and damages to the Plaintiff by one or more of the following negligent acts or omissions:

- a. Failed to keep a proper and sufficient lookout;
- b. Proceeded at a speed that was too fast for conditions in violation of 625 ILCS 5/11-904;
- c. Failed to decrease speed to avoid a collision in violation of 625 ILCS 5/11-601;
- d. Failed to maintain the brakes for the tractor-trailer unit;
- e. Failed to apply brakes to avoid a collision; and
- f. Otherwise Defendants were careless and negligent in their operation, maintenance and use of their tractor-trailer unit.

8. That as a direct and proximate result of Defendants' negligent acts and omissions, the Plaintiff was injured and sustained damages of a permanent nature which caused the Plaintiff to incur medical expenses, damages and loss of income currently and in the future.

WHEREFORE, Plaintiff asks the Court to find in favor of the Plaintiff and against the Defendants in a sum that is reasonable and proper, and for a sum in excess of the jurisdictional limit of \$50,000.00.

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COUNT II

1. That on or about September 21, 2017, Michael K. Fritkin, Plaintiff, was stopped in a southeast direction on I-90 in the second lane from the left at or about Cumberland Avenue in the City of Chicago, County of Cook, State of Illinois.

2. That on said date and place, the Defendant Jason Freeman was operating a tractor-trailer unit as the employee and/or agent of the Defendant JD Transportation, Inc.

3. On said date, the Defendants were operating a tractor-trailer in a southeast direction on I-90 (Kennedy Expressway) in the second lane from the left at or about Cumberland Avenue in the City of Chicago, County of Cook, State of Illinois.

4. That on said date, Defendants' tractor-trailer unit collided with and struck the rear of the Plaintiff's stopped vehicle.

5. That at the time of the collision, the Plaintiff was exercising due care and caution for his safety and the safety of others.

6. That at the time of the collision, the Defendants had a duty to exercise due care in the operation, maintenance and use of their tractor-trailer unit.

7. That the Defendants breached their duty and proximately caused injuries and damage to the Plaintiff by the following willful and wanton misconduct.

- a. Repeatedly hit the rear of Plaintiff's motorcycle until the Plaintiff was knocked off of his cycle and fell into the front end of the tractor-trailer unit operated by the Defendants.

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8. That as a direct and proximate result of Defendants willful and wanton acts and omissions, the Plaintiff was injured and sustained damages of a permanent nature which caused the Plaintiff to incur medical expenses, damages and loss of income currently and in the future.

WHEREFORE, Plaintiff asks the Court to find in favor of the Plaintiff and against the Defendants in a sum that is reasonable and proper, and for a sum in excess of the jurisdictional limit of \$50,000.00.

Dated: September 14, 2018

Respectfully Submitted:

MICHAEL K. FRITKIN

By: /s/James J. O'Hagan
One of his attorneys
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